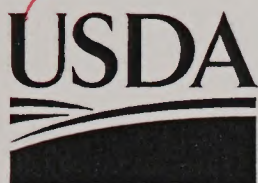


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United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Agricultural
Marketing
Service

Livestock and
Seed Program

Items of Interest in Seed Control

Winter 2002

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USDA
NAT'L AGRIC LIBRARY
2002 FEB 28 P 10:22
CURRENT SERIAL RECU
ACD/SERIALS BRANCH

Seed Regulatory and Testing Branch
Room 209, Building 306, BARC-East
Beltsville, Maryland 20705-2325
Regulatory: 301-504-9430; Fax 301-504-8098
Testing: 301-504-8089; Fax 301-504-8098
<http://www.ams.usda.gov/lsg/seed/lsg-sd.htm>

MAIL IRRADIATION UPDATE

Seed Regulatory and Testing Branch Chief Richard Payne and Plant Variety Protection Commissioner Paul Zankowski and four members of the American Seed Trade Association met with officials of the United States Postal Service (USPS) to discuss irradiation of the mail and the implication for seeds shipped through the mail.

The USPS staff made several points:

1. The only mail being irradiated by the USPS at this time is mail sent to the Federal government in Washington, DC (zip codes 205XX and 202XX).
2. The major concern is letters sent by "unknown" mailers and not letters sent by a company or letters with a clear return address.
3. The USPS will notify shippers if the irradiation program is expanded and USPS will work with them to reduce the chance of damage to their products.
4. If mail is irradiated in other locations, the shipper and receiver will be notified.
5. Additional action to safeguard the mail and those that handle the mail will depend, in part, on additional funding.

USPS Recommendations for Mailpiece Design

- Use safety seals and tamper-proof envelopes.
- Use transparent envelopes.
- Use closed window envelopes rather than open window envelopes.
- Use a postmark or indicia that matches the city and state of the return address.
- Use a full return address and recognizable company logo on the outside of mailpieces.
- Include a contact name and phone number or e-mail address in all correspondence.
- Discontinue using "handwritten" fonts.
- Include a toll-free number and web site on the outside of the mailpiece.
- Use indicia or metered postage instead of live postage stamps.
- Inspect all pre-printed inserts.
- Assess use of promotional items (pens, magnets, *etc.*), which make mailpieces lumpy and misshapen.
- Review production processes to eliminate any substances that could be misidentified as a biohazardous material by employees or customers.

VARIETY NAMING VS. BRANDS AND TRADEMARKS

Variety Naming

Variety names (including numbers) are unique to a kind of seed. Varieties of different kinds of seed may have the same variety name if the kinds are not closely related. The name of a variety is the name provided by or assigned by the owner or developer of the variety. If the owner or developer fails to name the variety or chooses not to name the

variety, the variety name then becomes the designation used when the seed is first introduced into channels of commerce (including advertising) in the United States. That means if a variety is advertised by an experimental designation, that experimental designation (with few exceptions) becomes the variety name and is the name that must be used by all parties advertising and labeling the seed.

Once a variety name is used for a specific kind of seed, that name can never be used again by anyone for another introduction of the same kind of seed. Once assigned to a variety, the name remains exclusive forever, even though seed of that variety is never sold again. Exceptions to this rule apply to a number of agricultural and vegetable seed varieties being marketed under several names (synonyms) before July 28, 1956, and for hybrid corn names in use before October 20, 1951.

If you develop a new variety, you cannot use an existing variety name. You also cannot incorporate a major part of an existing variety name in the new variety name unless the new variety is substantially derived from the existing variety.

Seed imported into the U.S. cannot be renamed if the original name of the seed is in the Roman alphabet. Varieties originating outside the U.S. are sometimes given a name not written in the Roman alphabet. Therefore, once the seed enters commerce in the U.S. the name is changed to a name written in the Roman alphabet.

Hybrids

Hybrid designations, whether names or numbers, are variety names. In the case of hybrids, since more than one seed producer or company might use identical parent lines in producing a hybrid variety, it is possible that more than one name might be given to the same parent cross. The same name is required to be used by all companies using the same parent lines to produce the hybrid since they are marketing an identical variety. If the developers of the parent lines have given the hybrid cross a variety name, that is the legal variety name. Otherwise, the name would be the one given by the company that first introduced the hybrid seed into commerce. If any of the initial parent seed lines were altered, the resultant cross would be required to have its own unique variety name.

Brands and Trademarks

The proliferation of the market with trademarks and brand names has greatly complicated variety naming and marketing of varieties. Brands and trademarks were initially used to identify the manufacturer or distributor (source) of the seed and not the product itself. A trademark (especially when registered with the U.S. Patent and Trademark Office) is private property to be used only by, or with permission of, the originator of the trademark. Many companies choose to include all or part of their company's name when naming a new variety. Under the Federal Seed Act (FSA) this practice is allowed but is discouraged because the company name is often trademarked. Once a brand or trademark is used as a part of a variety name, that brand or trademark loses status (the protection given brands and trademarks). This automatically requires other persons to use the brand or trademark in the name of the variety since anyone marketing the variety is required under the FSA to use the exact legal variety name even though the variety name includes a brand or trademarked designation.

The status of a variety name under the FSA and the requirement that the name be used by all parties labeling or advertising the variety is not changed by the registration of the name as either a brand or trademark. When brand and trademarked names are not part of a variety name and are used in labeling and advertising they must be clearly identified as being other than a part of the variety name. The U.S. Patent and Trademark Office will not knowingly issue a trademark for a term or name that has been used as a variety name. Under the FSA, a variety name cannot be a valid brand name, and we do not knowingly allow a brand name to be used as a variety name. Under the FSA, it is also considered false and misleading to substitute a brand name for a variety name.

Summary

If the naming, labeling, and advertising of a seed variety are truthful, it is probably in compliance with the FSA. Keep these simple rules in mind to help eliminate violations and confusion in the marketing of seed:

- Research the proposed variety name before adopting it. Submit the name to the Seed Regulatory and Testing Branch (SRTB) for clearance before adopting it. Since the United States does not have variety registration, SRTB clearance does not guarantee that there is no name conflict.
- Make sure the name cannot be confused with company names, brands, trademarks, or names of other varieties of the same kind of seed.
- Never change the variety name, whether marketing seed obtained from another source, or from your own production. Be especially careful of misnaming when companies merge, because company mergers are not justification for changing variety names. The name used by the supplier on invoicing and labeling the seed should be acceptable and can usually be construed as the correct variety name.

ARE YOU SURE IT'S OTHER CROP SEED?

Some companies apparently are unsure how to label seeds that are of the same kind as the kind shown on the label, but are of a different variety than the labeled variety. We are seeing situations where a seed lot is labeled to be all of a specific variety of a kind, but actually contains some seed of another variety of that kind. In this circumstance, under the Federal Seed Act (FSA), the other variety is considered to be "other crop seed" and should be included as "other crop seed" on the label. If the percentage of the other variety exceeds 5 percent, the name of the other variety and the percentage of pure seed and germination percentage of that variety must appear on the label. The FSA also permits the labeling of the purity and germination percentages of the other variety no matter what purity percentage is present. You should be aware, however, that many States only allow the other variety to be labeled as a separate variety if it is present at a 5 percent or greater rate. The States that disallow labeling varieties that are present at a less than 5 percent rate would require that the other variety be shown as a part of the "other crop seed."

UPCOMING FEDERAL SEED SCHOOL IN GEORGIA

The Georgia Department of Agriculture Seed Laboratory will host a Federal Seed School, May 20-22, 2002, in Tifton, GA. Seed Regulatory and Testing Branch Botanists David Bitzel and Patsy Jackson will be the instructors. The main emphasis will be purity testing and identification of crop and weed seeds of interest to participating seed analysts. Specific germination problems will also be addressed. Due to the hands-on nature of the training and the one-on-one instruction, enrollment will be limited to 20 people. For more information, contact David Bitzel (telephone 301-504-8089; fax 301-504-8098; e-mail david.bitzel@usda.gov).

AOSA ACCREDITATION EXAMINATION

The Association of Official Seed Analysts accreditation examination for seed analysts will be held in Tifton, GA on May 23 and 24, 2002. For further information and details, please contact Dr. Wayne R. Guerke of the Georgia Department of Agriculture at 229-386-3145.

SEED REGULATORY AND TESTING BRANCH RELOCATION PROPOSED

The USDA has put forth a proposal to relocate the Seed Regulatory and Testing Branch (SRTB) from its current site at the Beltsville Agricultural Research Center in Beltsville, MD to a new facility in Gastonia, NC. The earliest this relocation would occur is October 1, 2002.

Currently, a building is being designed to the Branch's specifications to house the laboratory and offices. The building will be adjacent to another Agricultural Marketing Service office and laboratory. The new facility will allow SRTB to be involved in biotechnology testing.

We will give more detailed information as aspects of the relocation are more definitely determined.

FEDERAL SEED ACT CASE SETTLED

The following case was settled administratively under the Federal Seed Act on November 20, 2001. Under the administrative settlement procedure, the Seed Regulatory and Testing Branch and the firm agreed to settle the case for the amount specified, with the firm neither admitting nor denying the charges:

- MFA, Incorporated, Columbia, MO, has paid \$1,125 for a case involving two seed shipments. The alleged violations, while not the same for both shipments, were false labeling as to purity, germination percentage, test date, and noxious-weed seeds. Seed regulatory officials in Illinois cooperated in the initial sampling and inspection.

RYEGRASS FLUORESCENCE LIST

We have had no changes from the National Grass Variety Review Board (NGVRB) since our last issue.

Perennial Ryegrass Variety Name	Percent Varietal Fluorescence	Perennial Ryegrass Variety Name	Percent Varietal Fluorescence
246	0.27%	Caddieshack	1.57%
2CB	1.97%	Caliente	0.74%
856	0.87%	Calypso	1.29%
89-90	2.15%	Calypso II	0.47%
90-14 ¹	7.12%	Catalina	3.18%
96-KSOS-L-1-PR-WVPB-C-24 ¹	6.50%	Cathedral	0.85%
A +	6.23%	Chaparral	1.62%
Academy	2.33%	Charger II ³	0.54%
Accent	0.56%	Charisma	2.39%
Accolade	4.83%	Chatham ³	2.11%
Accord	4.08%	Churchill	2.93%
Achiever	0.93%	Citation III	0.96%
Admire	2.37%	Commander	1.02%
Advent	0.14%	Cutter	1.65%
Affinity	0.77%	Dancer	0.78%
Affirmed	2.59%	Dandy	2.00%
Agresso	2.00%	Delaware Dwarf	2.60%
AllSport	0.92%	Derby Supreme	2.85%
All*Star	0.47%	Dillon	4.14%
Allaire II	1.15%	Divine	3.09%
APM	0.59%	DS95-201 (Enchanted) ¹	1.12%
Aquarius	0.97%	Edge	1.73%
Archer	1.51%	Elegance	1.51%
A.S.A.P.	1.42%	Elf	0.75%
Ascend	3.09%	Elite	4.84%
ASP410	0.18%	Envy	0.22%
Assure	0.72%	EP37 (Magic II) ¹	1.36%
Bayou ¹	1.33%	EP39 (Pronto II) ¹	1.75%
Bedford	1.40%	Equal	1.98%
Bella	0.65%	Esquire ¹	3.10%
Blackhawk	1.17%	Evening Shade	1.17%
Blazer III	1.18%	Exacta	1.22%
Boardwalk	2.72%	Excel ³	1.53%
Breeze	1.57%	Express	4.00%
Brightstar	1.79%	Extreme	1.32%
Brightstar II ³	2.24%	Fiesta II ³	1.14%
Buccaneer	7.44%	Fiesta 3	1.02%
Buccaneer II	5.48%	Galaxy	1.19%
CIS-MBH	1.27%	Gator	0.88%
C-21	6.28%	Gator II	2.50%

Perennial Ryegrass Variety Name	Percent Varietal Fluorescence	Perennial Ryegrass Variety Name	Percent Varietal Fluorescence
Gettysburg	2.74%	Passport ³	1.06%
Goalkeeper	0.82%	Patriot II	0.42%
Greenland	1.20%	Pearl	1.86%
Grimalda	2.00%	Pegasus	2.41%
Headstart	2.09%	Pennant	0.50%
Imagine	1.31%	Pennant II	1.63%
Jet	0.84%	Phantom	2.19%
Jiffie	6.06%	Pick Lp Q-93 ¹	6.44%
Laredo	0.53%	Pleasure	4.09%
Legacy	0.37%	Pleasure XL	1.11%
LF-100 (Continental) ¹	5.88%	PR8820	0.79%
Lindsay	1.72%	Prelude	1.72%
Line Drive	2.72%	Prelude II	2.25%
Linn	5.00%	Prelude III	0.59%
Lowgrow ³	1.31%	Prizm	0.71%
Lowgrow II	1.35%	Prosport	1.36%
LP22 (Vail) ¹	0.82%	Protocol	4.30%
LRF-94-C8 ¹	0.64%	Protocol II ¹	5.28%
Lynx	4.19%	Prowler	0.21%
MB 49 (Nexus) ¹	2.01%	Quickstart	0.18%
Magic	1.21%	R2	1.25%
Majesty	1.59%	Racer	1.23%
Manhattan II ³	0.65%	Regency	0.99%
Manhattan 3 ³	0.88%	Repell	0.33%
Mardi Gras	1.07%	Repell II ³	1.56%
Monterey	2.64%	Repell III	0.80%
Monterey II	1.94%	Reveille	2.00%
Morningstar	0.87%	Riviera	0.58%
MP5 (PDQ) ¹	4.65%	Riviera II	1.08%
Mulligan	1.86%	Roadrunner	2.53%
Navajo ³	0.37%	Rodeo II	2.47%
Newlinn	5.85%	Rosalin	3.26%
NightHawk	1.39%	Saturn II	0.85%
Nobility	7.53%	Seville ³	0.33%
Nomad	1.03%	Sherwood	1.08%
Nova	1.00%	Shining Star	0.10%
Omega 3	0.73%	Sonata	1.20%
Omni	0.51%	SR 4100 ³	0.37%
Pageant	2.22%	SR 4200	0.34%
Pageant II ¹	3.32%	SR 4500 (SRX NJPR, SRX 4NJPR, SRX 4500) ¹	0.24%
Palmer	1.04%	Stallion Select	2.37%
Palmer II	1.51%	Stallion Supreme	1.16%
Palmer III	0.23%	Stardance	1.90%
Panther	1.18%	Statesman	1.27%
Paragon (MML, TMI-MML) ¹	0.88%		

Additions and Deletions
Of
Plant Variety Protection
Certificates

PLANT VARIETY PROTECTION CERTIFICATES
(Issued November 16, 2001, through January 31, 2002)

KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA	KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA
CORN, FIELD SVAP7	Limagrain Genetics Grandes Cultures SA		Y	RAPE IMC 104	Cargill, Incorporated	Y (*)	Y
SVBE4	Limagrain Genetics Grandes Cultures SA		Y	SORGHUM PHBR76JJIE	Pioneer Hi-Bred International, Inc.		Y
SVCII17	Limagrain Genetics Grandes Cultures SA		Y	SOYBEAN CAVINESS	University of Arkansas Agricultural Experiment Station	Y (2)	Y
COTTON Acala Nem-X	California Planting Cotton Seed Distributors	Y (*)	Y	Motte	South Carolina Agricultural Experiment Station	Y (2)	Y
BXN 57	Stoneville Pedigreed Seed Company, Inc.		Y	S00-A6 S10-F2 S16-Y6 S30-Y8 S38-E9	Syngenta Seeds, Inc. Syngenta seeds, Inc. Syngenta Seeds, Inc. Syngenta Seeds, Inc. Syngenta Seeds, Inc.		Y Y Y Y Y
BXN 58	Stoneville Pedigreed Seed Company, Inc.		Y	SQUASH Bugle	Cornell University Experiment Station		Y
ONION Marquesa	Seminis Vegetable Seeds, Inc.	Y (3)	Y	WHEAT, COMMON 766	Virginia Tech Intellectual Properties, Inc.	Y (2)	Y
NuMex Chaco	New Mexico State University Agricultural Experiment Station	Y (3)	Y	Charter McVey	Monsanto Company Minnesota Agricultural Experiment Station	Y (*) Y (3)	Y Y
NuMex Freedom	New Mexico State University Agricultural Experiment Station	Y (3)	Y	Roane	Virginia Tech Intellectual Properties, Inc.	Y (2)	Y
NuMex Snowball	New Mexico State University Agricultural Experiment Station	Y (3)	Y	WHEAT, DURUM AC Avonlea	Agriculture & Agri-Food Canada	Y (*)	Y
NuMex Sweetpak	New Mexico State University Agricultural Experiment Station	Y (3)	Y				
Texas Legend	Texas Agricultural Experiment Station		Y				
POTATO Avalanche	John Mara		Y				
Crispin	John Mara		Y				
Molli	NORIKI Nordring-Kartoffelzucht- und Vermehrungs-GmbH GroB Lusewitz		Y				
RAPE IMC 03	Cargill, Inc.	Y (*)	Y				

(*) No limit to the number of generations of certified seed beyond breeders seed.

PLANT VARIETY PROTECTION CERTIFICATES
(Expired November 16, 2001, through January 31, 2002)

KIND VARIETY	KIND	TITLE V (GEN.)	1994 PVP	KIND	VARIETY	APPLICANT	APPLICANT	TITLE V (GEN.)	1994 PVP
ALKALIGRASS, WEEPING Fults						NK Lawn and Garden Company			
ASTER, CHINA Pot 'N Patio Blue						Ball Horticultural Company			
CAULIFLOWER White Rock						Sluis and Groot Research			
MARIGOLD Janie Flame						Goldsmith Seeds, Inc.			
ONION Crystal Wax Pickling						Sunseeds Company			
PEA 77 Early Perfection Image						Nunza B.V. Crites-Moscow Growers, Inc.			
Lacy Lady RADISH						Novartis Seeds, Inc.			
Red King RYEGRASS, PERENNIAL Pennant						Harris Moran Seed Company			
Regal SOYBEAN AP 420 Deltapine 246						Agriculture Service Corporation International Seeds, Inc.			
Deltapine 417						Advanta USA, Inc. Delta and Pine Land Company			
Deltapine 497						Delta and Pine Land Company			
FFR 560 Hobbit						FFR Cooperative Ohio Agricultural Research and Development Center and USDA-ARS			
HP 3033S RS 2330 Simpson						Advanta USA, Inc. Advanta USA, Inc. Minnesota Agricultural Experiment Station			
SUNFLOWER									

(*) No limit to the number of generations of certified seed beyond breeders seed.

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The first paragraph of the introduction states that the purpose of the study is to investigate the effects of the independent variable on the dependent variable. The second paragraph provides a brief overview of the literature review, highlighting the key findings and gaps in the existing research. The third paragraph outlines the research objectives and the specific hypotheses that will be tested in the study.

In the third paragraph of the introduction, the authors state that the study is designed to explore the relationship between the independent variable and the dependent variable. The fourth paragraph discusses the significance of the study and its potential contributions to the field. The fifth paragraph concludes the introduction by summarizing the main points and stating the overall purpose of the research.